

REMARKS

As a preliminary matter, the PTO-892 has a typographical error, as it cited U.S. 4,573,548 (Holland) whereas it appears that the Examiner intended to cite U.S. 4,573,458 (Lower). The Examiner is requested to issue a corrected PTO-892.

Additionally, two Williams et al patents are listed on the PTO-892, however, it is unclear which reference is being asserted in the Office Action. Applicants respectfully request that the Examiner explicitly state whether he is asserting one or both of the references.

Claims 1-20 stand rejected in view of Williams (U.S. 6,547,888 and 6,093,303) in view of Sioshansi (U.S. 5,123,924) and Lower (U.S. 4,573,458). Applicant respectfully traverses the rejection.

Both of the Williams patents pertain to the case hardening of stainless steel. In fact the '888 reference characterizes the prior case a technique for case hardening stainless steel. Col. 1, line 30 of the '888 patent. Both of the Williams patents are silent with respect to the case hardening of cobalt-chromium, a feature of the claimed invention.

Sioshani discloses a patentably distinct method for improving the wear of the plastic component of a surgical implant through ion implantation of the of metal component. See, col. 2, lines 16-22. Sioshani teaches away from the method of Williams, and thus cannot provide the basis of an assertion of obviousness.

Lower discloses a bone plate. Lower is completely silent with respect to the case hardening of cobalt-chrome alloys. As such, Lower is inapposite.

Applicant respectfully asserts that it would not have been obvious at the time of the invention to apply the teachings of either or both of the Williams patents to case harden implants comprising cobalt-chrome alloys. For at least this reason, Applicants respectfully request that the rejection of claims 1-20 be reconsidered and withdrawn.


It is believed that the above Remarks represent a complete response to the Office Action and that the Application is now in condition for allowance, and such favorable determination is requested.

In the event Applicant has overlooked the need for an extension of time or payment of fee, Applicant hereby petitions therefore and authorizes that any charges be made to Deposit Account No. 50-2779, ZIMMER TECHNOLOGY, INC.

If any questions regarding this Application should arise, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,
ZIMMER TECHNOLOGY, INC.

By



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